IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9817 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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KANIYALAL MANGALDAS PATEL - Petitioner(s)
Versus
THE REGISTRAR BIRTH & DEATH & 1 - Respondent(s)

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Appearance :

MR.BHARAT PRAJAPATI for Petitioner(s) : 1,
MR KRUNAL D PANDYA, AGP for Respondent(s) : 1,
NOTICE SERVED BY DS for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 03/05/2007

ORAL JUDGMENT

Rule. Mr. Krunal Pandya, Ld. AGP waives service of rule on behalf of respondent. At the request of the learned advocates for the parties

the matter is taken up for final hearing today itself.

2. The petitioner has approached this Court praying for issuance of necessary directions on respondent authority to carry out the correction in his birth certificate. It is stated by the petitioner that his real name is '*Kanaiyalal Mangaldas Patel'*. However, in the birth certificate it is stated as Kalabhai Mangalbhai. Therefore, necessary change is required to be made. He has further stated that he had approached the concerned authority, but it has refused to carry out the correction. It is his say that in the school leaving certificate as well as his passport, his name is shown as 'Kanaiyalal'.

3. I have heard Mr. Prajapati, learned advocate for the petitioner and Mr. Krunal Pandya, Ld. AGP for respondents. Whether respondent has power to carry out necessary correction is considered by this Court in a decision rendered in Special Civil Application No. 8625 of 2007 dated 11/4/2007 in the case of Rasikbhai M. Patel v/s. Talati-cum-Mantri. In the said decision, it is decided that the respondent authority has the power and it is authorized to carry out the necessary correction.

4. In view of the above, the respondent authority is directed that it shall consider the application of the petitioner for change of name in the birth certificate and upon arriving at satisfaction as to the change in name, he shall decide the application accordingly and intimate to the petitioner the decision within seven days thereafter.

5. With the aforesaid directions, the petition is allowed. Rule is made absolute with no order as to costs.

[Akshay H. Mehta, J.]

* Pansala.